

VILLAGE OF COLD SPRING ZONING BOARD OF APPEALS
85 MAIN STREET, COLD SPRING NEW YORK 10516
PHONE (845) 265-3611
Workshop/Public Hearing

October 18, 2012

Present: John Martin; acting Chairman, Greg Gunder, Edward Murphy and Richard Turner
Member absent: Chairman; Donald Mac Donald

Acting Chairman, J. Martin, opened the meeting at 7:04 P. By announcing the members of the board

Public Hearings:

1. Stephanie Hawkins, 15 Academy St.

J. Martin opened the public hearing by reading the following public notice :

Notice is hereby given the Board will hold a public hearing on Thursday, October 18, 2012 at 7:00 P.M. for the purpose of hearing public comment on the application of Stephanie E. Hawkins, 15 Academy St. A public hearing is being held to allow a 2 story addition to the rear of her residence. The proposal will require side, rear yard and lot coverage variances from Section 134-7(C)(5)(6) and 134-7(D)(2) of the Village Code. The property is in the R-1 zone.

The Applicant proposed a two story addition. Ms. Hawkins noted the lot coverage is smaller than what was previously approved and noted she needs rear side and lot coverage variances.

Ms. Hawkins noted her yard is extremely shallow and presented the board with a supportive letter.

It was noted that no members of the public were present. Ms. Hawkins noted that neighbors were supportive of her proposed project.

The Applicant presented the Board with acknowledgement signatures of the public hearing from neighbors along with a letter from Steve McConkle, 5 Cherry St. in support of the proposal.

J. Martin read the Planning Board opinion letter as follows:

The Planning Board has discussed the variances requested by Ms. Hawkins of 15 Academy Street to add an addition to the rear of the residence. We find the request for granting the variances to be reasonable as there is no negative impact from the Planning Board perspective. The Planning Board's opinion is that the variances should be granted.

J. Martin noted that the original application is being vacated and the new application is for the new proposal.

The Board then reviewed the following questions:

1. Whether an undesirable change will be produced in the character of the variance? All Board members answered no.
2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to pursue other than an area variance? All Board members stated no

3. Whether the requested variance is substantial? All Board members stated no.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? Ms. Hawkins noted this new proposal requires less lot coverage than the original approved application. All Board members stated no
5. Whether the alleged difficulty was self-created? All Board members stated no.

R. Turner moved to take a straw vote on the application. E. Murphy seconded the motion. It was approved 4-0.

R. Turner moved to close the public hearing and E. Murphy seconded the motion. The public hearing was closed at 7:21 P.M.

2. Kari Reiber, 8 B Street

J. Martin read the following public notice:

Notice is hereby given the Board will hold a public hearing on Thursday, October 18, 2012 at 7:00 .M. for the purpose of hearing public comment on the application of Kari Rieber, 8 B. Street to allow a 1 story covered porch at the front of her residence. The proposal will require front and side yard variances from section 134-7(C)(4)(5) respectively of the Village Code. The property is in the R-1 zone.

Mr. Steve Smith, contractor, represented the Applicant (the Board received a letter from Ms. Reiber dated 10/15/12 authorizing Steve Smith to represent her). Mr. Smith noted that currently there is a small existing stoop. The lot coverage increase will be 2 %. 1 foot side yard variance and a 23 foot from the front yard variance are required. The Applicant's property is the only one on the street without a porch. Mr. Smith noted that most porches on B Street adjoin the sidewalk. The porch will be on the western side of the property. R. Turner noted the variance is contingent on the HDRB approval and if it there are any changes to the application the applicant may have to come back to the ZBA. Mr. Smith noted the application is going before the HDRB in November.

It was noted that Mr. Bernard Malloy was present representing the public.

J. Martin noted the Board received a letter from Neighbor D. MacDonald stating no objection to the proposal.

Mr. Smith presented the Board with the return receipt request notices.

J. Martin read the following Planning Board opinion:

The Planning Board has discussed the front and side yard variances requested by Ms. Kari Reiber of 8 B Street to allow a one-story covered porch at the front of her residence. We find the request for granting the variances to be reasonable as there is no negative impact from the Planning Board perspective. The Planning Board's opinion is that the variances should be granted.

The Board then reviewed the following questions:

1. Whether an undesirable change will be produced in the character of the variance? It was noted that the proposal is in conformity to the surrounding properties. There were no members of the public present from the neighborhood. All Board members answered no

2. Whether the benefit sought by the applicant can be achieved by some, method feasible for the applicant to pursue other than an area variance? All Board members stated no
3. Whether the requested variance is substantial? All Board members stated no.
4. Whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district? All the housed on B Street are close to the road. All Board members stated no
5. Whether the alleged difficulty was self-created? All Board members stated no.

It was noted by R. Turner that the applicant may be able to apply for a special use permit rather than a variance.

E. Murphy moved to take a straw vote on the application. R. Turner seconded the motion. it was approved 4-0.

R. Turner moved to close the public hearing and E. Murphy seconded the motion. The public hearing was closed at 7:43 P.M.

Workshop meeting:

Mr. John Wayland and Ms. Jennifer Zwarich, 192 Main St.

J. Martin read the proposed decision (attached) and the following Planning Board opinion:

The Planning Board has discussed the front yard variance requested by Ms. Jennifer Zwarich and Mr. John Wayland of 192 Main Street to allow an 80 square foot one-story addition to the first floor of their residence. We find the request for granting the variance to be reasonable as there is no negative impact from the Planning Board perspective. The Planning Board's opinion is that the variance should be granted.

R. T moved to accept the decision as read and G. Gunder seconded the motion. It was approved 4-0.

G. Gunder left the meeting at 7:50 P.M.

Correspondence:

- Letter from Shortell - notifying the ZBA of the required HDRB approval. R. Turner requested a copy of the final approved drawing from the HDRB.
- Minutes - for review from other boards

Bernard Malloy - Noted Pace Law School will be holding a class on and land use which is CLA approved. The class will be given by the Land use institute and held at Pace Law School.

R. Turner moved to adjourn the meeting and E. Murphy seconded the motion. The meeting adjourned at 8:02 P.M.

John Martin, Acting Village of Cold Spring
Zoning Board of Appeals Chairman

Date

